

OFFICE OF THE CHIEF OF POLICE

SPECIAL ORDER NO. 3

March 23, 2010

**SUBJECT: MANDATORY PRE-BOOKING EVALUATION OF ARRESTS FOR INTERFERING, RESISTING ARREST, OR ASSAULTING AN OFFICER - REVISED**

**PURPOSE:** Department Manual Section 4/216.23 outlines a pre-booking evaluation procedure for watch commanders to follow when an arrest is made for interfering, resisting arrest, or assaulting peace officers. This Order revises the procedure to no longer require pre-booking evaluations for additional filing requests. Additionally, California Penal Code (PC) Section 241 (b) has been deleted from the attached Manual Section, since it refers to a parking control officer, and PC Section 241 (c), which applies to peace officers, has been added to this Manual Section.

**PROCEDURE:** Attached is the Manual Section regarding the requirement to conduct a pre-booking evaluation related to the following criteria, with the revisions indicated in italics. Watch commanders are required to conduct a pre-booking evaluation **only** when one of the primary booking charges is for interfering, resisting arrest, or assaulting a peace officer. Pre-booking evaluations **are not** required for additional filings.

Penal Code Section 241 (b) has been replaced with PC Section 241 (c) in Department Manual Section 4/216.23.

**AMENDMENT:** This Order amends Section 4/216.23 of the Department Manual.

**MONITORING RESPONSIBILITY:** All commanding officers shall have monitoring responsibility for this directive.

**AUDIT RESPONSIBILITY:** The Commanding Officer, Internal Audits and Inspections Division, shall review this directive and determine whether an audit or inspection shall be conducted in accordance with Department Manual Section 0/080.30.



CHARLIE BECK  
Chief of Police

Attachment

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## **216.23 ARRESTS FOR INTERFERING, RESISTING ARREST, OR ASSAULT ON AN OFFICER.**

**Watch Commander's Responsibility.** When a person is charged with the California Penal Code (PC) sections listed below, the watch commander shall conduct a pre-booking evaluation to determine whether issues or concerns regarding training, policy, or tactics need to be addressed.

*A pre-booking evaluation is not required for additional filing requests.*

- **69PC** Obstructing or resisting peace officers by threats or violence;
- **148(a)(1)PC** Resisting, delaying, or obstructing a peace officer;
- **148(b)PC** Removing or taking a weapon, other than a firearm, from a peace officer;
- **148(c)PC** Removing or taking a firearm from a peace officer;
- **148(d)PC** Attempting to remove or take a firearm from a peace officer;
- **241(c)PC Assault against a peace officer;**
- **243(b) & (c)PC** Battery against a peace officer or custodial officer, respectively;
- **244.5(c)PC** Assault on a peace officer with a stungun or taser;
- **245(c)PC** Assault with a deadly weapon, other than a firearm, on a peace officer; and,
- **245(d)PC** Assault with a firearm, machine gun, or assault weapon on a peace officer.

Additionally, the watch commander shall:

- Document that an evaluation was completed on the Watch Commander's Daily Report, Form 15.80.00;
- Take appropriate action when the results of the evaluation raise issues or concerns regarding training, policy, or tactics; and,
- Reference all forms used for documenting the results of the pre-booking evaluation on the Watch Commander's Daily Report.

**Note:** The use of the Watch Commander's Daily Report to document personnel issues associated with evaluations compromises the confidentiality of employee files. Therefore, the watch commander shall document positive and negative duty performance, training needs, and any counseling associated with the evaluation on an Employee Comment Sheet, Form 01.77.00.

When the result of the evaluation is documented on a separate report, it is not necessary to duplicate the evaluation on another report.

**Commanding Officer's Responsibility.** The commanding officer shall ensure watch commanders:

- *Complete a pre-booking evaluation where the primary charge(s) against an arrestee is an offense listed in this section; and,*
- Complete the required documentation for that evaluation.